



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2129-00

20 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 15 May 1950 at the age of 17. Your record reflects that on 23 August 1950 you received captain's mast (CM) for a day of unauthorized absence (UA) and were awarded a loss of four liberties. On 25 December 1950 you were convicted by deck court (DC) of an 18 day period of UA. You were sentenced to extra duty for 60 days, a \$50 forfeiture of pay, and confinement on bread and water for 10 days.

Your record further reflects that on 17 March 1951 you were convicted by DC of neglect and were sentenced to confinement for 10 days and extra duty for 30 days. On 8 June 1951 you received CM for larceny and were awarded extra duty for 25 days. On 11 October 1951 you were convicted by special court-martial (SPCM) of a 19 day period of UA and missing the movement of your ship. You were sentenced to forfeitures totalling \$180, confinement at hard labor for three months, and a bad conduct discharge (BCD), which was suspended.

On 18 February 1953 you were convicted by general court-martial (GCM) of a 112 day period of UA. You were sentenced to confinement at hard labor for 14 months, a \$700 forfeiture of pay, reduction to paygrade E-1, and a BCD. Subsequently, the BCD was approved at all levels of review and ordered executed. On 7 December 1953 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contentions that you were unfairly treated, had a nervous condition, and were not afforded any medical assistance. The Board also considered your request for recharacterization of your discharge. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct, which resulted in six disciplinary actions. The Board also noted that your misconduct continued even after the BCD had been suspended. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director